

REMARKS/ARGUMENTS

The objections presented in the Notice of Non-Compliant Amendment dated December 1, 2009 (hereinafter “Notice”) have been considered, as well as the Office Action of July 2, 2009 (hereinafter “Office Action”). Claims 1-24, 26-29, 31-34, and 36-48 were canceled by the Examiner in the Office Action. Claims 25, 30, and 35 remain pending in the application following non-entry of the amendments of the Office Action Response submitted on September 22, 2009. Because the pending claims are dependent claims, patentable features of these claims, including communication/telemetry features identified by the Examiner in the Office Action, have been incorporated into rewritten independent claims 49, 60, and 68. Therefore, claims 25, 30, and 35 are canceled herein. The rejections of claims 25, 30, and 35 are therefore moot. Claims 49-68 are added herein.

New claims 49-68 previously submitted in Applicant’s Office Action Response of September 22, 2009 were not entered for reasons set forth in the Notice. In particular, the Notice states that the “remaining claims are not readable on the elected invention because the new claims require discrimination between normal cardiac function and arrhythmia based on the electrical and sound signal, but do not require any sort of communication or telemetry of the sound and electrical signals.” (Page 2). New claims 49-68 submitted herewith now require communication circuitry or telemetry for the sound and electrical signals.

This response earnestly attempts to fully respond to the Notice via the comments and amendments above. Entry of these claims, and substantive examination of this application, is respectfully requested.

To the extent that the current response does not respond to any characterization in the Office Action of the asserted art or of the claimed subject matter, or to any application in the Office Action of the asserted art to any claimed subject matter, it is stated for the record that any such lack of response should not be interpreted as an acquiescence to such characterizations or applications. A detailed discussion of each of the Office Action’s characterizations, or any other assertions or statements beyond that provided above is

unnecessary in view of the present response. The right to address in detail any such assertions or statements in the future is reserved.

Authorization is given to charge Deposit Account No. 50-3581 (GUID.609PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the Examiner is invited to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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